

### C. REMARKS

Claims 1-5, 9-12, 15, and 24-35 have been rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,418,419 to *Nieboer et al.* in view of U.S. Patent No. 5,136,501 to *Silverman et al.* in further view of U.S. Patent No. 4,266,775 to *Chitnis et al.* Claims 6-8 have been rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,418,419 to *Nieboer et al.* in view of U.S. Patent No. 5,136,501 to *Silverman et al.* in further view of U.S. Patent No. 4,266,775 to *Chitnis et al.* in still further view of “Dictionary of Finance and Investment Terms”. Claims 13 and 14 have been rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,418,419 to *Nieboer et al.* in view of U.S. Patent No. 5,136,501 to *Silverman et al.* in further view of U.S. Patent No. 4,266,775 to *Chitnis et al.* in still further view of U.S. Patent No. 4,677,552 to *Sibley, Jr.* Claims 16 and 17 have been rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,418,419 to *Nieboer et al.* in view of U.S. Patent No. 5,136,501 to *Silverman et al.* in further view of U.S. Patent No. 4,266,775 to *Chitnis et al.* in still further view of U.S. Patent No. 6,745,236 to *Hawkins et al.*.

Claims 1, 2, and 27 have been amended to specify that the game is scored based on scoring criteria and that the game comes to an end based on game-ending criteria. The Office Action argues that, based on “Official Notice” and “analogous to accumulated cash in a game such as Monopoly™”, “some form or [sic, of] scoring is essential to any game”. In addition to the previous reasons set forth in prior Responses, this rejection is respectfully traversed for the following reasons.

The present invention is particularly directed to “commodities trading simulation” on a computer. U.S. Patent No. 6,418,419 to *Nieboer et al.* (“*Nieboer*”) describes an automated system for the actual trading of securities. Initially, it would not have been obvious to modify *Nieboer* to have an end based on game ending criteria and to be scored based on scoring criteria; an end in *Nieboer* would imply that worldwide commodities trading would come to an end – a cataclysmic economic calamity. For this reason alone the rejection should be withdrawn.

In addition, the present invention is also seen to be in contrast with Monopoly, which is directed to real estate development. In real estate development, there is no public market and

the purchase and sale of real estate is a private transaction between private entities for a stable price. In fact, scoring in the present invention and scoring in a prior art game is completely different: as suggested in the Office Action scoring in prior art games is simply a matter of counting “accumulated cash”. In the present invention, the held commodities are subjected to continually floating prices and for a scoring to be meaningful, these floating process must be frozen based on game ending criteria and scored based on scoring criteria. For this additional reason the rejection should be withdrawn.

Still further, the Office Action did not cite U.S. Patent No. 4,266,775 to *Chitnis et al.* (“*Chitnis*”) in previously rejecting claim 2, thus implicitly recognizing that it does not salvage the rejection. But, actually, *Chitnis* reinforces the inventiveness of the presently claimed invention. In fact, *Chitnis* is simply a board game of chance that happens to use “commodities” as its format and bears little resemblance to the “commodities trading simulation” of the present invention.


In *Chitnis* the board includes a world map with a plurality of circles with disks placed on the circles corresponding to different commodities. A command die, a quantity die, a commodity die, and a market price setting spinner are used in play of the game. The players start by rolling the commodity die, picking a corresponding disk, and buying a corresponding commodity. Purchases proceed successively from player to player until all commodities have been purchased. The disks have letters on them and the players form words from the disks. For every word constructed, the player gets a reward of \$3000 from the Treasury – there is even a special prize of \$10,000 for forming the word “FLUKE!”. The market price spinner is used to set the market price for the commodities. The players then throw the three dice and follow the dice directions. The command die directs the player to buy or sell a certain commodity from the next player or players. The commodity die determines the particular commodity involved in the transaction. The quantity die designates the number of units of that deal. The winner is the player with the most money at the end of the predetermined time – counting “accumulated cash”.

Therefore, it is respectfully submitted that all of the claims recite patentable subject matter and are in condition for allowance. Accordingly, favorable consideration and allowance of the application is respectfully requested.

Respectfully submitted,

Date 7 December 2006

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